

DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE AND
DISCIPLINE

File No: C05 - 795

In the matter of:

Erik P. Purins, MD
License #: MD 7641

Consent Order

Pursuant to R.I. Gen. Laws §5-37-5.2, 1956, as amended, (1995 Reenactment) the State of Massachusetts, Board of Registration in Medicine notified the Board of Medical Licensure and Discipline that the Respondent had been subject to disciplinary action in the State of Massachusetts. The Rhode Island Board of Medical Licensure and Discipline has jurisdiction to take reciprocal action by virtue of §5-37-5.1 of the General Laws. The following constitutes the Investigating Committee's Findings of Fact:

Findings of Facts

1. The Respondent, Erik P. Purins M.D., was disciplined by the Massachusetts, Board of Registration in Medicine, for substance abuse and for failing to truthfully complete his Massachusetts medical license renewal application. The Massachusetts Order and Probation Agreement dated November 16, 2005 is incorporated and attached herewith pursuant to R.I.G.L. 5-37-5.1 (21).
2. The Respondent was affiliated with HealthSouth Hospital until September 1, 2004 when he signed a Voluntary Agreement Not to Practice [VNAP]. The Respondent notified the RI Board of Medical Licensure and Discipline of this VNAP, but failed to provide further clarification when requested.

The parties agree as follows:

The Respondent is a physician with an allopathic license No. MD 7461. Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board. This Consent Order is not binding on Respondent until final ratification by the Board.

Respondent hereby acknowledges and waives:

1. The right to appear personally or by counsel or both before the Board;
2. The right to produce witnesses and evidence in his behalf at a hearing;
3. The right to cross-examine witnesses;
4. The right to have subpoenas issued by the Board;
5. The right to further procedural steps except for specifically contained herein;

Any and all rights of appeal of this Consent Order;

6. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;


7. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;

8. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.

9. Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.

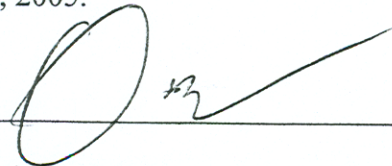
10. Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.
11. Respondent shall be subject to the same restrictions and limitations as imposed by Massachusetts.
12. Respondent accepts a finding of unprofessional conduct in violation of § 5-37-5.1 Respondent accepts a sanction of Indefinite Suspension retroactive to September 1, 2004 when he signed a voluntary agreement not to practice in Massachusetts. This suspension is Stayed as of November 16, 2005 when he entered into a Probation agreement with the State of Massachusetts. Respondent may apply for relief of this Consent Order in the State of RI after he satisfies the conditions of his Massachusetts Consent Order.

Signed this 15th day of December, 2005.



Erik P. Purins, MD

Ratified by the Board of Medical Licensure and Discipline at a meeting held on Dec. 14, 2005.



David Gifford, MD, MPH
RI Director of Health

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOARD OF REGISTRATION IN MEDICINE

ADJUDICATORY CASE NO.: 2005-054

In the Matter of)
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Erik P. Purins, M.D.)
_____)

CONSENT ORDER

Erik P. Purins, M.D. (Respondent), and the Complaint Counsel agree that the Board of Registration in Medicine (Board) may issue this Consent Order with all the force and effect of a Final Decision within the meaning of 801 CMR 1.01(11)(d). The Respondent admits to the findings of fact described below and agrees that the Board may make conclusions of law and impose a sanction in resolution of Board of Registration in Medicine docket numbers 04-474 and 04-504 as set forth below.

FINDINGS OF FACT

1. The Respondent was born on July 17, 1960. He is a 1985 graduate of Wayne State University School of Medicine. His specialty is Physical Medicine and Rehabilitation and he is board-certified. He has been licensed to practice medicine in Massachusetts under license certificate number 70945 since 1989. The Respondent was affiliated with HEALTHSOUTH Braintree Rehabilitation Hospital until September 1, 2004, when he signed a Voluntary Agreement Not to Practice (VANP).

2. On August 22, 2004 the Respondent Signed a VANP and it was accepted by the Board on September 1, 2004.

Complaint 04-504:

3. From June 2, 2004 to June 24, 2004, the Respondent received outpatient treatment for chemical dependency at Bournewood Hospital.

4. On July 6, 2004, the Respondent entered into a Chemical Dependency Monitoring Contract with Physicians Health Services (PHS) of the Massachusetts Medical Society.

5. During the afternoon and evening of August 1, 2004 the Respondent consumed alcohol.

6. On August 2, 2004, the Respondent was treating patients and was asked to have a random PHS urine drug screen. The random urine screen was positive for alcohol.

7. From August 26, 2004 to September 2, 2004, the Respondent received outpatient treatment from Butler Hospital.

8. From September 20, 2004 to October 10, 2004 the Respondent received inpatient treatment at the Hazelden Foundation in Minnesota.

9. On August 23, 2004, the Respondent entered into a new Chemical Dependency Monitoring Contract with PHS.

Complaint 04-474:

10. On February 14, 2000, the Respondent was arraigned in the Framingham District Court for Operating Under the Influence.

11. On March 17, 2000, the Respondent admitted to sufficient facts and the matter was continued without a finding. The Respondent was placed on probation for one year.

12. On July 17, 2001, the Respondent submitted his 2001-2003, Physician Registration Renewal Application and answered "no" to question No. 17, which asked whether, in the past two years, he had been charged with any criminal offenses other than a minor traffic violation.

CONCLUSIONS OF LAW

- A. The Respondent has violated M.G.L. c. 112, §5(d) and 243 CMR 1.03(5)(a)(4), in that he practiced medicine while his ability to do so was impaired by alcohol.
- B. The Respondent has violated M.G.L. c. 112, §5(c) and 243 CMR 1.03(5)(a)(3), in that he engaged in conduct that places into question his competence to practice medicine.
- C. The Respondent has violated M.G.L. c. 112, §5(a) and 243 CMR 1.03(5)(a)(1), in that he has fraudulently procured his license to practice medicine, or its renewal.
- D. The Respondent has engaged in conduct that undermines public confidence in the integrity of the medical profession in violation of the standards set forth in Raymond v. Board of Registration in Medicine, 387 Mass. 708 (1982), and Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979).

SANCTION AND ORDER

The Respondent's license to practice medicine is hereby indefinitely suspended. The Respondent has the right to petition for a stay of his suspension upon documentation of one year of continuous sobriety and compliance with a PHS Chemical Dependency Monitoring Contract. Such documentation shall include, but not be limited to, a letter from the Director of PHS stating that the Respondent has been compliant with his PHS

contract. As a condition of any stay, the Board will require that the Respondent enter into a Probation Agreement with provisions for the monitoring of his chemical dependency and his clinical practice and such other restrictions as the Board may at that time require.

This sanction is imposed for Conclusions of Law A, B, C, and D individually, and not for a combination of them.

EXECUTION OF THIS CONSENT ORDER

The parties agree that the approval of this Consent Order is left to the discretion of the Board. The signature of Complaint Counsel, the Respondent and the Respondent's counsel are expressly conditioned on the Board accepting this Consent Order. If the Board rejects this Consent Order in whole or in part, then the entire document shall be null and void; thereafter, neither of the parties nor anyone else may rely on these stipulations in this proceeding.

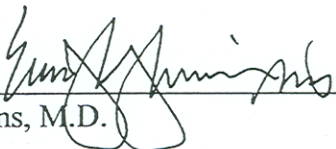
As to any matter this Consent Order leaves to the discretion of the Board, neither the Respondent, nor anyone acting on his behalf, has received any promises or representations regarding the same.

The Respondent waives any right of appeal that he may have resulting from the Board's acceptance of this Consent Order.

The Respondent shall provide a complete copy of this Consent Order with all exhibits and attachments within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which he practices medicine; any in- or out-of-state health maintenance organization with

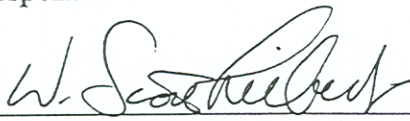
whom he has privileges or any other kind of association; any state agency, in- or out-of-state, with which he has a provider contract; any in- or out-of-state medical employer, whether or not he practices medicine there; and the state licensing boards of all states in which he has any kind of license to practice medicine. The Respondent shall also provide this notification to any such designated entities with which he becomes associated for the duration of this Consent Order. The Respondent is further directed to certify to the Board within ten (10) days that he has complied with this directive...

The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.



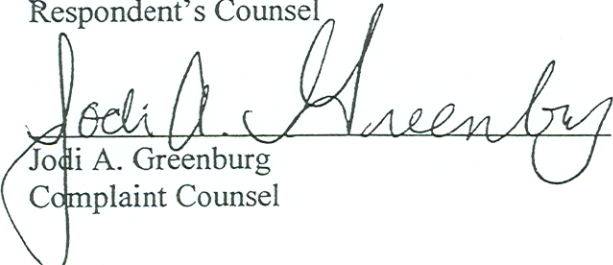
Erik P. Purins, M.D.
Respondent

11/7/05
Date



W. Scott Liebert, Esq.
Respondent's Counsel


11/7/05
Date



Jodi A. Greenburg
Complaint Counsel

11/8/05
Date

Accepted by the Board of Registration in Medicine on this 16th day of November 2004.



Martin Crane, M.D.
Chairman

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

BOARD OF REGISTRATION
IN MEDICINE

Adjudicatory Case No:

2005-054

In the Matter of)
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Erik P. Purins, M.D.)
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PROBATION AGREEMENT

I. COMPLIANCE WITH AGREEMENT

The Respondent agrees that violation of this Probation Agreement, including such provisions which survive this Agreement, shall constitute sufficient grounds for the immediate suspension of the Respondent's license to practice medicine, or any such lesser sanction as the Board may deem fit to impose, without prior notice to the Respondent. The Respondent hereby waives any claim or defense to any subsequent action by the Board to suspend the Respondent's license or impose such other lesser sanction, for any such violation or violations, except that the Respondent shall be entitled to defend against the assertion of a violation of this Agreement. The Respondent acknowledges and agrees that by entering into this Agreement, the Respondent is relinquishing important procedural and substantive rights.

II. PARTIES

The parties to this Probation Agreement are the Board of Registration in Medicine (the "Board") and Erik P. Purins, M.D. (the "Respondent").

III. JURISDICTION

The parties agree that the Board has the authority to enter into this Probation Agreement, and that the Board may enforce the terms of this Agreement in accordance with applicable laws and regulations and the provisions of this Agreement.

IV. CONDITIONS OF PROBATION

During the probationary period, which shall be effective on the date the Board accepts this Agreement, the Respondent shall comply with each of the following requirements:

- A. The Respondent agrees to undergo monitoring by the Board until at least August 23, 2009 (five years from the date of his current contract with Physician Health Services) and for such further period thereafter as the Board shall for reasonable cause order. At the Board's discretion, any periods during which the Respondent is not practicing medicine, during the probationary period, may extend the probationary period.
- B. The Respondent shall refrain from all consumption of alcohol, and use of all controlled substances, unless specifically prescribed by a treating physician who has been informed of the Respondent's chemical dependency history, for a legitimate medical purpose and in the usual course of the treating physician's medical practice.

C. The Respondent shall not prescribe any controlled substances to himself or to any member of his family; and agrees that this provision contained in this sentence will survive the probationary period. Prescribing of controlled substances under this paragraph must be in accordance with all applicable state and federal controlled substance registration requirements.

D. The Respondent has entered into a contract, dated August 23, 2004, and in a form acceptable to the Board, with Physician Health Services ("PHS") of the Massachusetts Medical Society. The Respondent agrees to abide fully by all terms of this contract. This contract includes a provision that PHS will promptly inform the Board of any lapse or violation of its terms by the Respondent, and the contract provides for any necessary waivers of privilege or confidentiality by the Respondent. PHS shall submit quarterly reports to the Board which detail the Respondent's compliance with this contract.

E. The Respondent shall undergo random bodily fluid screenings as required by PHS or as may be required by the Board, which requirement may be reasonably modified from time to time consistent with scientific or practical advances in the field of alcohol and drug detection. The Respondent shall submit random samples at least weekly on average, or at such other frequency as the Board or PHS may require. Sample collection shall be observed by PHS or its designee. An officer of PHS shall file reports of the screening evaluations completed during the previous three months with the Board within thirty (30) days as part of their quarterly report. Said reports shall specify the dates on which

samples were taken and shall specify the results of the analysis of such samples and shall be signed by the person in charge. In addition, the Respondent shall obtain the written agreement of PHS to notify the Board immediately by telephone and in writing:

1. a) in the event that the Respondent's sample is found to contain any evidence of alcohol or any controlled substance in violation of this Probation Agreement; or

b) in the event that PHS has other reliable evidence that the Respondent has used alcohol or any controlled substance in violation of this Probation Agreement;

2. in the event that the Respondent misses any random bodily fluid test, excluding an administrative or laboratory mistake beyond the Respondent's control;

3. in the event that the Respondent refuses to cooperate with PHS in monitoring bodily fluids in any manner;

4. in the event that the Respondent withdraws any waiver filed in connection with this Probation Agreement; or

5. in the event that the PHS contract is terminated for any reason other than successful completion of the contract, as determined by the Director of PHS.

The Respondent agrees to waive any privileges he may have concerning such reports and disclosures to the Board by PHS.

F. The Respondent shall at all times during the length of the probationary period be reasonably available to provide an immediate bodily fluid screen at the request of the Board.

G. The Respondent shall immediately notify the Board in writing any time a treating physician writes a prescription for the Respondent for a controlled substance in Schedules II through IV, inclusive.

H. The Respondent shall be under the care of a licensed or certified health care professional experienced in the treatment of chemical dependency who shall submit written reports, including reports on all missed sessions, to the Board or its designee as often as the Board deems necessary but in any event at least once every three months. Copies of these attendance reports shall be part of the quarterly report that PHS submits to the Board. The health care professional shall immediately notify the Board by telephone whenever, in his professional judgment, the Respondent poses a potential danger to the health, safety and welfare of the Respondent's patients. In addition, the health care professional shall immediately notify the Board by telephone and in writing in the event that the Respondent terminates treatment, or is non-compliant with the treatment plan. In the event that the health care professional notifies the Board that the Respondent poses a danger to the health, safety or welfare of the Respondent's patients, or terminates treatment, the Board may obtain any and all information, reports and records for a period not to exceed ninety (90) days prior to the date of said notification from the health care provider concerning the Respondent. The Respondent hereby waives any privileges concerning such information, reports, records and disclosures to the Board. The health care professional shall confirm in writing, within ten (10) days of the Board's acceptance of this agreement, his agreement and undertaking with respect to the obligations set forth in this Agreement, and shall notify the Board if the Respondent withdraws any waiver filed in connection with this Agreement. The Respondent may not terminate treatment with, or change the identity of the health care professional without prior Board approval. The Respondent has

chosen Michael Fiori, M.D. as the healthcare professional who shall fulfill the monitoring requirements of this paragraph.

I. The Respondent shall participate at least weekly in a group-counseling program for chemically dependent persons, approved in advance by the Board. The Respondent shall keep a diary of his attendance at such meetings. The Respondent shall submit this diary to PHS for periodic verification and PHS shall submit current copies of the diary in its quarterly report to the Board.

J. The Respondent shall file, within thirty (30) days of the execution of this Probation Agreement, written releases and authorizations sufficiently broad in scope so as to allow the Board to obtain any and all medical and laboratory reports, treating physicians' reports and records concerning the Respondent's treatment during the probationary period. PHS may retain as confidential the identity of informants who have disclosed suspected or known substance misuse to those programs under the promise of confidentiality.

K. All agreements whereby third parties are to provide written reports, releases, records or any other information to the Board under this Probation Agreement shall be submitted to the Board for approval within thirty (30) days after the Probation Agreement is approved by the Board. All such releases and agreements must, in addition to waiving any relevant state law privileges or immunities, provide the Board with access to all material covered by 42 CFR, Part 2, and the Criminal Offender Records Information (CORI) Act, so-called, M.G.L. c. 6, ss. 167-178; all such releases and agreements must provide that the released party shall notify the Board if any waiver is withdrawn. In the event that any such releases or waivers are not sufficient to obtain access to any information which the Board in its discretion considers relevant, the Respondent agrees to obtain personally such information and furnish it to the Board, to the extent permitted by law.

L. In the event that the Respondent seeks licensure to practice medicine in another state, the Respondent shall notify the Board of such fact and shall disclose to the licensing authority in such state his status with this Board. The Respondent shall submit to the Board copies of all correspondence and application materials submitted to another state's licensing authority.

M. In the event the Respondent should leave Massachusetts to reside or practice out of the state, the Respondent shall promptly notify the Board in writing of the new location as well as the dates of departure and return. Periods of residency or practice outside Massachusetts will not apply to the reduction of any period of the Respondent's probationary licensure, unless the Respondent enters into a monitoring agreement, approved by the Board, in the new location.

N. The Respondent shall appear before the Board or a committee of its members at such times as the Board may request, upon reasonable advance notice, commensurate with the gravity or urgency of the need for such meeting as determined by the Board or such committee.

O. The Respondent shall provide a complete copy of this Probation Agreement, with all exhibits and attachments within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which he practices medicine; any in- or out-of-state health maintenance organization with whom he has privileges or any other kind of association; any state agency, in- or out-of-state, with which he has a provider contract; any in- or out-of-state medical employer, whether or

not he practices medicine there; and the state licensing boards of all states in which he has any kind of license to practice medicine. The Respondent shall also provide this notification to any such designated entities with which he becomes associated for the duration of this Probation Agreement. The Respondent is further directed to certify to the Board within ten (10) days that he has complied with this directive. The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.

P. The Respondent agrees that he shall not commence practicing medicine in any manner, including the prescribing of any medications, unless the Board, upon the Respondent's petition, approves a clinical setting, a practice plan, and monitors.

Q. The Respondent, and not the Board, shall be responsible for the payment of any fee or charge occasioned by the Respondent's compliance with this Probation Agreement.

R. The Respondent may request that the Board modify any of the conditions set forth above. The Board may, in its discretion, grant such modification. Except for requests for modifications related to the identity of the health care professional referenced in Paragraphs H, and the Respondent's employment, the Respondent may make such a request not more than once in any one year period, nor any sooner than one year from the date of this Probation Agreement.

V. TERMINATION OF PROBATION

A. If the Respondent complies with his obligations as set forth above, the Board, at the expiration of the five-year period, shall, upon petition by the Respondent, terminate the Respondent's probationary period and probation with the Board, unless the Respondent's probation is extended in accordance with paragraph IV(A).

B. If the Respondent fails to comply with his obligations as set forth above, the Respondent's license to practice medicine may be immediately suspended, as agreed in Section I.

11/7/05
Date

11/7/05
Date

[Signature]
Respondent
W. Scott Kiebert
Attorney for the Respondent

Accepted this 16th day of November, 2005, by the Board
of Registration in Medicine.

[Signature]
Martin Crane M.D., Chair
Board of Registration in Medicine